

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.B., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERIC LEWIS BLAIR,

Respondent-Appellant,

and

ANGELA MOSBY,

Respondent.

UNPUBLISHED

March 18, 2003

No. 244357

Branch Circuit Court

Family Division

LC No. 01-002012-NA

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Respondent Blair appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i) and (h). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(A) and (E).

Respondent father's parental rights were terminated, pursuant to MCL 712A.19b(3)(b)(i) [the child or a sibling was physically injured or physically or sexually abused by the parent] and (h) [due to the parent's imprisonment, the child will be deprived of a normal home for more than two years and the parent has failed to provide proper care and custody and is unlikely to be able to do so within a reasonable time given the child's age]. The trial court did not clearly err in finding that the statutory grounds for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). As a result of an incident involving his daughter, respondent was convicted of first-degree child abuse, MCL 750.136b(2), and sentenced to 6½ to 15 years in prison. Having found that the statutory grounds had been established, the court was required to terminate respondent's parental rights absent evidence that termination was clearly not in the child's best interests, MCL 712A.19b(5); *In re Trejo Minors*,

462 Mich 341, 354; 612 NW2d 407 (2000), and no such evidence was submitted. Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Id.* at 356-357.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage